

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
DIANE HALL

Case No.: 17-10102
Judge: JNP
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|---|--|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: July 28, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 300.00 per month to the Chapter 13 Trustee, starting on September 1, 2017 for approximately 53 remaining months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Hoffman DiMuzio	Administrative	\$3,210.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Flagstar Bank, FSB	238 Pennsylvania Avenue, Franklinville, NJ 08322	\$227,382.00	\$278,943.80

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Loan with Ditech Financial, LLC for Debtor's residence to be paid monthly outside Plan. Loan with BB&T Loan Service for 2014 Chrysler Town & Country Van to be paid outside Plan.

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan
None		

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☐ Upon confirmation
☒ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative Expenses
- 3) Priority Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: January 3, 2017.

Explain below **why** the plan is being modified:

Creditor, Flagstar Bank, FSB obtained Stay Relief regarding Debtor's second property located at 238 Pennsylvania Avenue, Franklinville, NJ. Thus, no pre-petition arrears will be paid to Flagstar Bank.

Explain below **how** the plan is being modified:

Part 1(a) - lower Debtor's monthly Trustee payment.
Part 4(a) - remove curing default and maintaining payments to Flagstar Bank, FSB for 238 Pennsylvania Avenue, Franklinville, NJ
Part 4(c) - reflect surrender of mortgage for 238 Pennsylvania Avenue, Franklinville, NJ

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: July 28, 2017

/s/ Richard S. Hoffman, Jr.

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: July 28, 2017

/s/ Diane Hall

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Diane Hall
 Debtor

Case No. 17-10102-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 35

Date Rcvd: Jul 31, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 02, 2017.

db
 516578072 +Diane Hall, 228 Pennsylvania Avenue, Franklinville, NJ 08322-2367
 516649103 Advocare Laurel Pediatrics, PO Box 3001, Voorhees, NJ 08043-0598
 516578074 Credit First NA, PO Box 818011, Cleveland, OH 44181-8011
 516578075 Credit First/Firestone, PO Box 81083, Cleveland, OH 44181
 516784975 DirectTV, PO Box 5007, Carol Stream, IL 60197-5007
 +Directv, LLC, by American InfoSource LP as agent, 4515 N Santa Fe Ave,
 Oklahoma City, OK 73118-7901
 516578076 Ditech Financial LLC, PO Box 44265, Jacksonville, FL 32231-4265
 516578077 Eichenbaum & Stylianou, LLC, PO Box 914, Paramus, NJ 07653-0914
 516578078 Emrg Phy Assoc os S.Jersey, PC, 3583 Ridge Park Drive, Akron, OH 44333-8203
 516578079 +Financial Recoveries, PO Box 1388, Mount Laurel, NJ 08054-7388
 516578080 +First National Collection Bureau, 610 Waltham Way, Sparks, NV 89434-6695
 516578081 +Flagstar Bank, FSB, Attn: Fein Such Kahn & Shepard, PC, 7 Century Drive, Suite 201,
 Parsippany, NJ 07054-4609
 516578082 HRRG Collections, PO Box 8486, Coral Springs, FL 33075-8486
 516578083 +Kennedy Health Systems, PO Box 48023, Newark, NJ 07101-4823
 516578084 Kennedy Medical Group, PO Box 95000, CL 4570, Philadelphia, PA 19195-0001
 516747434 +MIDLAND FUNDING LLC, PO BOX 2011, WARREN, MI 48090-2011
 516777211 +Orion Portfolio Services LLC, c/o PRA Receivables Management, LLC, PO Box 41021,
 Norfolk, VA 23541-1021
 516578086 +Rashema Johnson, 228 Pennsylvania Avenue, Franklinville, NJ 08322-2367
 516578087 Sears Credit Cards, PO Box 6286, Sioux Falls, SD 57117-6286
 516578088 +South Jersey Radiology Associates, PO Box 1710, Voorhees, NJ 08043-7710
 516578091 THD/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 516578092 +Trident Asset Management, PO Box 888424, Atlanta, GA 30356-0424
 516578093 +Verizon, 140 West St, New York, NY 10007-2123
 516578094 +Virtua Health - West Jersey, Attn: AMCOL Systems, 111 Lancewood Road,
 Columbia, SC 29210-7523

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 31 2017 23:24:21 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 31 2017 23:24:18 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516583181 E-mail/Text: bankruptcy@bbandt.com Jul 31 2017 23:23:59 BB&T, PO Box 1847,
 Wilson, NC 27894-1847
 516578073 +E-mail/Text: bankruptcy@bbandt.com Jul 31 2017 23:23:59 BB&T Loan Services,
 MC 100-50-02-57, PO Box 2306, Wilson, NC 27894-2306
 516808257 E-mail/Text: bankruptcy.bnc@ditech.com Jul 31 2017 23:24:06
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 516652075 E-mail/Text: cashiering-administrationservices@flagstar.com Jul 31 2017 23:25:04
 Flagstar Bank FSB, 5151 Corporate Drive, Troy, MI 48098-2639
 516578085 +E-mail/Text: ebn@vativrecovery.com Jul 31 2017 23:24:05 Palisades Collection LLC,
 210 Sylvan Avenue, Suite 1, Englewood Cliffs, NJ 07632-2510
 516635158 E-mail/Text: ebn@vativrecovery.com Jul 31 2017 23:24:05 Palisades Collections, LLC,
 VATIV RECOVERY SOLUTIONS LLC, dba SMC, As agent for Palisades Collections, LLC,
 P.O. Box 40728, Houston, TX 77240-0728
 516755217 +E-mail/PDF: gecsed@recoverycorp.com Jul 31 2017 23:28:03 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
 516578089 E-mail/PDF: gecsed@recoverycorp.com Jul 31 2017 23:28:15 Synchrony Bank/JC Penney,
 PO Box 965060, Orlando, FL 32896-5060
 516578090 E-mail/PDF: gecsed@recoverycorp.com Jul 31 2017 23:28:03 Synchrony Bank/Sam's Club,
 PO Box 965060, Orlando, FL 32896-5060

TOTAL: 11

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 35

Date Rcvd: Jul 31, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 02, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 28, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmllawgroup.com,
bkgroup@kmllawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Jeanette F. Frankenberg on behalf of Creditor FLAGSTAR BANK, FSB cmecf@sternlav.com
Jennifer R. Gorchow on behalf of Trustee Isabel C. Balboa jgorchow@standingtrustee.com
R. A. Lebron on behalf of Creditor FLAGSTAR BANK, FSB bankruptcy@feinsuch.com
Richard S. Hoffman, Jr. on behalf of Debtor Diane Hall rshoffman@hoffmandimuzio.com,
lmcevoy@hoffmandimuzio.com;jslachetka@hoffmandimuzio.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7